

This Portion contains the following comment letters:

Other Individuals

Letter AB	Planning Commission Close of Public Review Comments	PR-194
Letter AC	Theresa Acerro (November 2, 2005)	PR-261

SS1102F.txt

PLANNING COMMISSION MEETING

HELD AT:
Public Services Building
Council Chambers
276 Fourth Avenue
Chula Vista, California

6 P.M., Wednesday, November 2, 2005

Reported by Kersten Song - CSR

Certificate No. 12796

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1 PRESENT:

2

3

4 COMMISSION:

5 VICKI MADRID, CHAIR

6 BRYAN FELBER, COMMISSIONER

7 PAMELA BENSOUSSAN, COMMISSIONER

8 BILL TRIPP, COMMISSIONER

9

10 MARCO CORTES, COMMISSIONER (ABSENT)

11 DAN HOM, COMMISSIONER (ABSENT)

12 GARY NORDSTROM, COMMISSIONER (ABSENT)

13

14 PLANNING COMMISSION SECRETARY:

15 DIANA VARGAS

16

17 CITY COUNCIL STAFF:

18 STEVE POWER, ENVIRONMENTAL PROJECTS MANAGER

19 JOHN MULLEN, DEPUTY CITY ATTORNEY

20 MARILYN PONSEGGI, ENVIRONMENTAL REVIEW COORDINATOR

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21 ED BATCHELDER, ADVANCE PLANNING MANAGER
22 CHARLY BULL, ENVIRONMENTAL CONSULTANT
23
24 * * *
25

3

1 CHULA VISTA, CALIFORNIA, WEDNESDAY, NOVEMBER 2, 2005
2 6:00 P.M.
3
4 (PROCEEDINGS)
5 CHAIR MADRID: I am going to call the
6 Planning Commission meeting to order for November 2, 2005.
7 Please call roll.
8 SECRETARY VARGAS: Chair Madrid?
9 CHAIR MADRID: Here.
10 SECRETARY VARGAS: Commissioner Bensoussan?
11 COMMISSIONER BENSOUSSAN: Here.
12 SECRETARY VARGAS: Commissioner Marco
13 Cortes?
14 Commissioner Hom?
15 Commissioner Nordstrom?
16 Commissioner Felber?
17 COMMISSIONER FELBER: Here.
18 SECRETARY VARGAS: Commissioner Tripp?
19 COMMISSIONER TRIPP: Here.
20 CHAIR MADRID: I'd like to make a motion to
21 excuse Commissioners Cortes and Hom.
22 COMMISSIONER FELBER: Second.
23 CHAIR MADRID: Please vote.

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(voting commences.)
25 CHAIR MADRID: I'd like to also make a

4

1 Motion to excuse Nordstrom due to a conflict of
2 interest.
3 Should we do that in a separate motion, or
4 is that okay, that we'll include that in the same
5 motion?
6 MR. MULLEN: It's fine to include that in the
7 same motion.
8 CHAIR MADRID: Let's go ahead and amend that
9 in that motion.
10 Motion carries.
11 CHAIR MADRID: Please stand for Pledge of
12 Allegiance to the Flag, and a Moment of Silence.
13 (All Stands and Pledges Allegiance to the
14 Flag of the United States.)
15 CHAIR MADRID: Good evening.
16 Before beginning tonight's meeting, I'd like
17 to make a few introductory remarks.
18 The Planning Commission is comprised of
19 seven citizens who serve without pay and are appointed
20 by the City Council.
21 The Commission has a responsibility for
22 considering General Plan Amendments, Rezoning,
23 Conditional Use Permits, Precise Plans, Subdivisions,
24 and Appeals from the Zoning Administrator and Design
25 Review Committee. Some Commission actions are final

5

1 unless appealed to the City Council.

2 The Chair will call each case by number and
3 Staff will provide an overview of the proposal. The
4 Public Hearing will be open. And if you wish to speak
5 on any item, we ask that you fill out a speaker slip
6 and submit it to our secretary.

7 When addressing the Commission, please give
8 your name and address, and we ask that you limit your
9 remarks to three minutes.

10 Upon completion of testimony, the Public
11 Hearing will be closed and the Commission will
12 deliberate and act on each item. Should a request be
13 denied or anyone wish to appeal our recommendations,
14 the appeal must be filed in writing with the Planning
15 Department within ten calendar days of our decision.
16 An appeal fee is required, and costs vary with the
17 complexity of the application.

18 Any visual aids used during the Staff's
19 presentation are to assist the Commission in a clear
20 understanding of the proposal. Visual aids that are
21 used during the Applicant's presentation do not
22 necessarily represent Staff's position or endorsement
23 of the presentation and are solely reflective of the
24 presenter's views.

25 We ask that all cell phones and pagers be

6

1 turned off. And we appreciate your attendance and
2 participation in this meeting.

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3 Next item on the agenda is Oral
4 Communications.

5 This is an opportunity for members of the
6 Public to speak to the Planning Commission on any
7 subject matter within the Commission's jurisdiction,
8 but not an item on today's agenda. Each speaker's
9 presentation may not exceed three minutes.

10 Is there anybody wishing to address the
11 Planning Commission on an item not on the agenda?
12 Seeing none I'll move on to the first item on the
13 agenda. And would you like to make remarks prior to me
14 opening the item, or should I go ahead and address the
15 item?

16 MS. PONSEGGI: Madam Chair, can you go ahead
17 and open? And then I'll have some remarks.

18 CHAIR MADRID: Item No. 1 is:
19 "Public Hearing for DEIR 05-01; Close of
20 Public Review Period for the General Plan update
21 Re-circulated Draft Environmental Impact Report."

22 Project Manager is Steve Power,
23 Environmental Projects Manager.

24 MS. PONSEGGI: Madam Chair, I'd like to make
25 a couple of comments before you get started.

7

1 As you know this evening, the members of the
2 Public and the Planning Commission will have the
3 opportunity to comment on the recirculated Draft EIR to
4 the General Plan update.

5 Following the close of this evening's Public
6 Hearing by the Chair, Public Review on the Draft EIR

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7 will close. Comments made this evening by the members
8 of the Public will be included in the Final EIR and
9 responded to in accordance with CEQA.

10 The Planning Commission can also provide
11 comments on the Draft EIR. Should the Planning
12 Commission choose to comment on the document, it must
13 be in the form of a motion that includes comments. If
14 individual Commissioner's comments are not included in
15 the Commission motion, Commissioners may provide their
16 own individual comments as members of the Public. That
17 should happen after the Commissioners' comments on the
18 DEIR, but prior to the close of the Public Hearing.

19 Since the purpose of tonight's meeting is to
20 receive comments to be included and responded to in the
21 final EIR, staff will not be responding to those
22 comments at this time. All comments will be included
23 in the final EIR and responded to.

24 We can provide you some clarifications if
25 there are items that you are looking for in the

8

1 document you haven't been able to find. That kind of
2 clarification we can provide for you, but responded-to
3 comments will go beyond what the intent of the
4 meeting is.

5 CHAIR MADRID: Thank you.

6 Are we going to have Staff make any
7 presentation on the document at all?

8 MS. PONSEGGI: That's the extent of our
9 presentation. And I would request that you just begin

10 with taking the comments from the Public and then move
11 on through your deliberation.

12 CHAIR MADRID: Should we go ahead and
13 request any questions from the Planning Commissioners
14 to Staff or --

15 MS. PONSEGGI: That's fine.

16 CHAIR MADRID: -- or that's a normal process
17 before we open for Public Hearing?

18 Any questions of Staff from any of the
19 Planning Commissioners?

20 COMMISSIONER FELBER: I've got one.

21 CHAIR MADRID: Commissioner Felber?

22 COMMISSIONER FELBER: I've got one.

23 It's kind of an informational question. I
24 think I know the answer, but I just want to make sure.

25 Once the EIR's final, as we hear in the

9

1 future different projects that fit into the general
2 plan, I assume some of them might be minor enough that
3 they won't require it and some may be major enough that
4 they will require a separate EIR for that particular
5 project. Correct?

6 MS. PONSEGGI: Yes.

7 COMMISSIONER FELBER: For example, at that
8 time we'll be able to see whatever the impacts are
9 assumed to be on a given project on traffic and water
10 and all the other things we're looking at here for that
11 project, so that incrementally we'll be able to see how
12 it -- how it contributes?

13 MS. PONSEGGI: The General Plan EIR is a
Page 8

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14 program level document that looks at things at the
15 first tier, the less-detailed. And as individual
16 projects come forward, they all go through CEQA review.
17 Some of them require EIRs. Some of them go through a
18 negative declaration or a mitigated negative
19 declaration. Some of them are exempt. But every
20 project will go through some form of CEQA review that
21 will tier off of this General Plan EIR.

AB-1

22 MR. FELBER: So if we had some major project
23 that we see two years from now, let's say five years
24 from now, and all of a sudden we've got problems with
25 water supply, for example, the environmental impact of

AB-1 See Response to Comment P-1.

10

1 that project on the water supply we'll be addressing
2 there, and we'll be able to evaluate that project and
3 impact on it?

4 MS. PONSEGGI: Absolutely. The General Plan
5 addresses water at the General Plan program level. For
6 each individual project that comes forward, whether it
7 has an EIR or a mitigated negative declaration or
8 negative declaration, will look at the water supply to
9 see whether or not there's a potential impact.

10 COMMISSIONER FELBER: For example,
11 traffic/water?

12 MS. PONSEGGI: Right.

13 COMMISSIONER FELBER: Thank you very much.
14 That's what I thought.

15 CHAIR MADRID: Commissioner Bensoussan?

16 COMMISSIONER BENSOUSSAN: I have just a

RESPONSE

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AB-2

17 quick question.
18 At some point we had talked about whether
19 the -- at the study of the evaluation for the Historic
20 Preservation program that's been referred to throughout
21 the Cultural Resources section of the EIR, there was
22 some talk about putting it in the Appendices of the EIR.
23 And I'm just wondering...I don't see any of those kind
24 of appendix documents. And they may be on a CD or
25 something. But I'm just wondering if that actually

AB-2 An Evaluation of the Historic Preservation in Chula Vista has been attached to the dEIR in Appendix J.

11

1 happened, if the document itself -- we talked about it
2 on a number of different occasions, since the study's
3 referred to so often that it would be good to have the
4 actual document, which is only twenty-six pages' long,
5 and sort of existing on the shelf in some basement
6 where people can't refer to it, if this is all referred
7 to.

8 So I'm just wondering if that got in to the
9 document?

10 MR. POWER: Technical appendices address
11 traffic drainage, that kind of thing. There's no
12 historical assessment in the appendices.

13 COMMISSIONER BENSOUSSAN: we had recommended
14 to put it in as a reference in the reference section of
15 the documents since it was referred to so often.

16 So it didn't get in, I guess is what we're
17 saying.

18 MS. PONSEGGI: I would recommend that what
19 you did -- you're correct, it did not get in. But
20 that's why this is a Draft EIR. So I would recommend
Page 10

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21 that you make that as part of your comments, and then
22 we can follow up on that with the Final EIR.
23 COMMISSIONER BENSOUSSAN: Thank you.
24 CHAIR MADRID: Thank you.
25 I'm going to open the Public Hearing. But

12

1 before I do, I just want to let everyone know that we
2 have a court reporter here tonight taking down, word
3 for word, comments, just to facilitate and expedite the
4 process so that Staff can get exact word comments.
5 I'll go ahead and open the Public Hearing.
6 And just for the record, I want people to know that
7 nobody has marked "Support" or "Opposition" on any of
8 their requests to speak. And I just randomly grabbed
9 these and started shuffling them. I'm going to shuffle
10 them some more and just start calling people up to the
11 podium.

12 Theresa Acerro?

13 (Public Hearing Commences.)

14 MS. ACERRO: Good evening.

15 My name's Theresa Acerro. I'm at 3730
16 Festival Court, in Chula Vista. And actually, I'm
17 going to submit these in writing, but I thought maybe
18 I'd mention one.

19 In the designation of the west Fairfield
20 area as commercial business and office, with some
21 educational, I think this is very good as a
22 job-oriented usage, and it could help rectify the
23 overall imbalance in the plan between quality jobs and

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RESPONSE

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24 residential growth.
25 For the last eight years, the City of Chula

13

AB-3

1 Vista has been generating way more homes than jobs.
2 It's becoming a "bedroom community" to the entire
3 County, and I really think that what's -- one of the
4 things lacking in the EIR is there's no analysis of --
5 a full analysis of the negative impacts of the "bedroom
6 community" as essentially on all areas of the plan on
7 energy availability, water availability, traffic,
8 everything.
9 For the last four years, the City has
10 produced 15 percent more homes, but only 5 percent more
11 jobs. The EIR really needs to analyze how this
12 imbalance could be rectified. It's barely mentioned in
13 passing now that there might possibly be this problem.
14 The Staff should also be directed to come up with some
15 other preferred alternative that helps make up this
16 deficit, or jobs, and downplay some of the residential
17 development until the deficit is reduced a little bit,
18 instead of making it worse, which is what the Plan now
19 appears to do.
20 So I can hand this one, I guess, to Mr.
21 Power or to -- okay, thank you.
22 (Hands document to Secretary Vargas.)
23 CHAIR MADRID: Thank you.
24 Laura Hunter?
25 Please state your name and address for the

AB-3 See Response to Comment R-1.

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1 record.

2 MS. HUNTER: My name is Laura Hunter. I'm
3 here representing the Environmental Health Coalition.
4 Our address is 401 Mile of Cars Way, Suite 310, in
5 National City.

6 I also have my comments in writing so I'll
7 submit that.

8 I just wanted to point out -- make a couple
9 of points.

10 One is, we really appreciate how much
11 improved this all is. The EIR is much better. That
12 GPU itself is much improved. But we want to make it
13 perfect, so we have two little points that we want to
14 raise.

AB-4 See Response to Comment M-12.

AB-4

15 One is that this issue of needing buffers
16 around freeways for locating sensitive receptors. And
17 when I say "sensitive receptors," I mean residences
18 that are going to have children in them, and schools.
19 It is addressed somewhat in EE-6.10, but I was a
20 little -- I wanted to encourage you or the staff to add
21 some additional updated information in the EIR about
22 assessing those risks.

23 What we know now is that, minimally, within
24 500 feet of our freeways, such as I-5, it's not even
25 debatable anymore. The science is very overwhelming,

15

1 that respiratory health impacts are exacerbated in this
2 area, the studies on asthma in children who live near a

RESPONSE

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3 freeway. And one of the recent studies I have -- I've
4 added -- anyway, the information is really becoming
5 overwhelming, and I've attached a summary of those
6 studies that are out to this letter. It's not only
7 asthma. There's a new thing out in the New England
8 Journal of Medicine about lung deficiency in terms of
9 lung development in 10- to 18-year-olds who live,
10 again, near freeways.

AB-5

11 So I would ask in the EIR that you
12 strengthen the language of EE-6.10, which we've made
13 recommendation about, that we are going to avoid
14 location of sensitive receptors within 500 feet. We
15 have offered some language on -- if there's societal or
16 overarching -- overriding considerations that would
17 have to be analyzed, that that would be allowed. But
18 essentially we're going to try avoid doing that. And
19 in fact, I didn't see it in the report itself, but
20 SB-352 -- I don't know if you cited that in the EIR or
21 not, I couldn't find it, -- was passed in 2003. And
22 that basically prohibits schools from being within 500
23 feet of a freeway.

24 Again, there are some conditions, but
25 basically it's a very high standard that has to be met

AB-5 See Response to Comment K-2.

16

1 in order to do that.

2 So I've also attached a map of what the
3 500-foot buffer would mean on both sides of I-5 that
4 I'd ask you to look at. And I do have a copy of my
5 letter.

6 The other thing that I still think is a
Page 14

RESPONSE

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AB-6

7 deficiency in the EIR is that you mention the fact that
8 at least two of the major toxic emissions, BF Goodrich
9 and Hex Grubman, and the power plant are located
10 outside of the area that this General Plan focuses on.
11 while that's true, but the air impacts of those plants
12 are blowing right into exactly the area that is
13 impacted. BF Goodrich, in particular, is one of our
14 areas of concern since we do not have an updated
15 emissions inventory of what's coming from that
16 facility.
17 Again, our main concern is the Hexavalent Chromium
18 emissions. We have old data. We need to get updated
19 data. It should have been the function of this
20 document to get that updated data, if it's going to be
21 complete, about what are the impacts to locating new
22 residential downwind of these facilities.
23 So these are our two main points.
24 Hopefully, it's explained by letters written to Ed. I
25 think that was the wrong person, but I learned how to

AB-6 See Response to Comment X-5.

17

1 spell your name so I'm going to wear it out writing
2 these letters.

3 I need to sign this, but I do have copies
4 for the Committee.

5 (Hands document to Secretary Vargas.)

6 CHAIR MADRID: Thank you.

7 MS. HUNTER: Thank you.

8 CHAIR MADRID: Next speaker is Gerald Scott.

9 MR. SCOTT: I'm giving my time to Terry.

RESPONSE

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10 CHAIR MADRID: Okay. Jackie McQuade?
11 MS. McQUADE: Jackie McQuade. 339 East J.
12 Street.
13 And I submitted this, but I want to make
14 sure this gets in so that's why I'm here.
15 In my opinion, the EIR from the General Plan
16 update is inadequate in at least three areas. Number
17 one: The water.
18 The EIR, I believe, is inadequate on the
19 issue of water supply with a projected population
20 growth of 40 percent in northwest Chula Vista alone.
21 The EIR contains no discernible plan for meeting water
22 needs. The language which is supposed to address the
23 water supply issue is so vague that it is meaningless.
24 Approving the EIR without more sufficient planning for
25 water supply is, I believe, unwise and definitely not

AB-7

AB-7 See Response to Comment P-1.

18

1 in the best interest of Chula Vistans.
2 Number two: Revitalization of western Chula
3 Vista translates as gentrification.
4 No provisions are mentioned in the GPU-EIR
5 regarding relocation of fixed-income Chula Vistans when
6 their homes are torn down and replaced with luxury
7 housing afforded only to wealthy out-of-staters who
8 wish to commandeer Chula Vista as their regimented
9 playground. And how many mom-and-pop businesses will
10 be bulldozed? The abuse of eminent domain laws in
11 order to dump the poor and serve the rich is not an
12 appropriate goal, nor even an acceptable accidental
13 result of a General Plan Update.

AB-8

AB-8 See Response to Comment Y-3.

RESPONSE

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14 And number three: The Environmental Impact
15 of Proposed high-rises in Chula Vista at the September
16 21 Developer Expo Sponsored by the City.
17 Land parcels on Third Avenue, E Street and
18 Landis Avenue were reviewed. Numerous citizens stated
19 their opposition to high-rises anywhere in Chula Vista.
20 At the Expo and a few days prior, I collected
21 signatures of seniors and others who strongly support a
22 45-foot height limit for future building in west Chula
23 Vista. We support low-rises, not mid- or high-rises.
24 Because those signatures were collected over a period
25 of only a few hours, it is my belief that thousands of

19

1 similar signatures could be obtained in a very short
2 period of time.

AB-9

3 Also, I am clarifying on record that it is
4 not a matter of a project at Fourth and H Streets, nor
5 in the H Street Corridor or in any other corridor. A
6 sizable number of Chula Vistans do not believe
7 skyscrapers are appropriate for this City.

8 Thus, we urge the City Planners to
9 completely delete zoning for high-rises in the General
10 Plan Update.

11 Thank you.

12 CHAIR MADRID: Thank you.

13 Next speaker is Nick Aguilar.

14 MR. AGUILAR: Good evening.

15 Nick Aguilar. 1045 Surrey Drive. Appearing
16 on behalf of the County Board of Education, as a

AB-9 This comment states that a number of Chula Vistans do not believe skyscrapers are appropriate for the City of Chula Vista. This comment does not pertain to the adequacy of the EIR. Comment noted.

RESPONSE

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17 representative of District 2 of that board.
18 I have copies of the statement, but I want
19 to read a couple of -- two of the -- if time permits.
20 The reason I want to distribute those copies
21 to the Board members, because there's a page from the
22 Plan. It's at the back. I think it's important for
23 the Commissioners to see with respect to the tables
24 that I'm going to make reference to in one of the
25 comments.

20

AB-10 1 while they're distributing that, I'll start
2 reading -- that table refers to comments -- the
3 information in Section 5.13.3 of the report is
4 inconsistent and not sufficiently complete to support
5 the finding articulated in the Section 5.13.3.5, that:
6 "No significant impacts to the provision of
7 school services will result, and that no mitigation is
8 required."
9 In that regard, Section 5.13.3 states at the
10 top of the page, 478, quote:
11 "As seen in Table 5.13-10, no additional
12 elementary schools will be required in the west upon
13 build-out of the Preferred Plan."
14 However, Table 5.13-10, which is part of the
15 Plan, specifically states -- and this table, by the
16 way, is at the bottom of 477. You have a copy of that.
17 That table identifies: "...an additional new
18 elementary school need of 3.87 in the northwest and
19 1.75 in the southwest for a total of 5.60 new
20 elementary schools needed in west Chula Vista."
Page 18

AB-10 See Response to Comment Letter N.

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21 This is a significant concern, because
 22 there's several findings in that Plan that assume that
 23 there's no such need and there are no provisions for
 24 accommodating those significant needs.
 25 The other point that I'll read to you

21

1 tonight is .5. And that is, that the report also fails
 2 to provide any data or other authoritative source to
 3 support statements.

AB-11

4 Last conclusion on page 478 that, quote:
 5 "The demographics of households moving into
 6 downtown redevelopment areas may have significantly
 7 lowered student generation rate than the current
 8 household composition."

AB-11 See Response to Comment N-5.

9 In fact, the recent experience in the
 10 redevelopment of downtown for the City of San Diego has
 11 been reported as just the opposite. That is, that the
 12 San Diego Unified School District is experiencing great
 13 difficulty in providing adequate school facilities in
 14 the downtown neighborhoods because the number of
 15 students moving into the downtown redevelopment area is
 16 much larger than was anticipated in this Plan.

17 So that brings me to zero seconds of my
 18 time. And I appreciate your attention. But please
 19 read the other three items in my report, which appear
 20 to be technical in nature, but are important,
 21 nevertheless. Because the conclusions drawn by the
 22 Plan with respect to school facilities are based on
 23 these assumptions, and they have significant impacts on

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24 our community if they are not protected.
25 Thank you.

22

1 CHAIR MADRID: Thank you.
2 Next speaker. Patricia Aguilar.
3 MS. AGUILAR: I, too, have some things to
4 distribute.
5 Thank you, Diana.
6 (Hands document to Secretary Vargas.)
7 MS. AGUILAR: Patricia Aguilar, speaking on
8 behalf of Crossroads II.
9 I looked at my notes before I came in this
10 evening. And the last time I was here was February 14.
11 It was Valentine's day, the year 2004, when the
12 previous version of the EIR was before you, and we have
13 this exact same hearing.
14 At that time, this was a year and eight
15 months ago, I requested on behalf of Crossroads II that
16 you consider -- there were so many flaws in the Draft
17 EIR that you consider recirculating the Draft EIR. The
18 Staff subsequently made the decision, to their credit,
19 to go ahead and recirculate the Draft EIR. And I must
20 say that this recirculated draft is significantly
21 improved over the original draft. However, it still
22 contains several flaws. And we have submitted to
23 Mr. Power in writing a detailed list of what we think
24 the most significant flaws are. But I wanted to call
25 to your attention this evening to what we believe is

23

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1 the greatest flaw in the report.

2 If you look at the map that I passed down in
3 front of you, this is a map of the so-called preferred
4 General Plan Update as it applies to northwest Chula
5 Vista, and I specifically want to call your attention
6 to the two most northwesterly areas on this map.
7 They're noted as the "E Street Gateway" and the "H
8 Street Gateway Area." And as you can see, the General
9 Plan calls for the redevelopment of an awful lot of
10 property between Broadway and Interstate 5 on east and
11 west and between C Street and about I Street on the
12 south.

13 Now, the next page of what Diana just passed
14 out shows the number of existing residential units just
15 in a portion of that area that I pointed out on the
16 map. And the portion that's covered in this table
17 includes just from E to H, whereas the Plan covers all
18 the way from about C to I. So this is a smaller area.
19 And within this smaller area, you can tell that there
20 are over 2,300 units, all of which are displaced if the
21 Plan were adopted and implemented.

AB-12

22 So the point I want to make in relation to
23 the EIR is that the EIR fails totally to address this
24 issue. It acknowledges that people will be displaced,
25 but it doesn't quantify them.

AB-12 See Response to Comment M-5.

24

1 It says that because the new plan will build
2 new residences, there's no significant impact. We

RESPONSE

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3 completely disagree with that, the displacement of all
4 those units, housing units. And this is a significant
5 impact which should have been addressed in the
6 recirculated Draft EIR.

7 So we hope this evening that you will agree
8 with us and give direction to Staff to produce some
9 kind of report that analyzes this issue:

10 How many people will be displaced.

11 What the affordability of the units is that
12 will be displaced.

13 What are the options available to these
14 people in terms of relocation assistance.

15 Where will they move to.

16 This is a critical issue.

17 Now, I know there's some -- excuse me for
18 going on but I'm almost done.

19 There is some -- I think Mr. Power told me
20 that under CEQA, this is not an environmental issue.

21 Other people have told me it's the opposite and should
22 be addressed. And I don't know whether it's an

AB-13

23 environmental issue or not. But if not, it's certainly
24 an important socioeconomic issue and should be
25 addressed, either within the context of the final EIR

25

AB-13 See Response to Comment Y-3.

1 or in the context of a separate sort of Socioeconomic
2 Impact Report, so that these people who live here in
3 this area that I just pointed out to you have some
4 information in front of them as to what the options are
5 for them if they are displaced.

6 So my request is that you give some
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7 direction to Staff, either as part of the EIR or
8 separately outside of the EIR, to consider preparing a
9 report, some kind of Public report that is issued that
10 addresses this critical issue that is not addressed in
11 the Environmental Impact Report.

12 Thank you.

13 CHAIR MADRID: Thank you.

14 Next and last speaker, Terry Thomas.

15 MS. THOMAS: Madam Chair and members of the
16 Planning Commission and Staff and friends.

17 I have just completed nine years for the
18 Resource Conservation Commission, and as part of that I
19 was part of the Environment Open Space and Sustainable
20 Development Subcommittee.

21 When the RCC met during this last term, in
22 February, we came up with 30 items that referred to the
23 Draft EIR, and one of them was a request to recirculate
24 the Draft EIR, to relook and revamp the Draft EIR. And
25 I do want to thank the City for doing that as a form of

26

1 recirculation.

2 However, the number of the other items were
3 blended into the recirculated Draft EIR and corrected
4 or added in some way/addressed through the recirculated
5 document. However, a number of them have not been.
6 And I understood from a number of people and Staff that
7 they will not be commented on in the recirculated Draft
8 EIR. So therefore I use that as a backbone, those 33
9 items, as a back bone for my comments, my personal

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10 comments, since I am no longer a member of the RCC.
11 So on behalf of my neighbors, myself, and
12 also fellow residents who also have these concerns, I
13 would like them to be part of the official
14 documentation. And if they need to be readdressed from
15 the description after your meeting, I would be glad to
16 do whatever needs to be done. However, I would
17 appreciate your maybe considering them as part of your
18 motion, or at least some of them as a part of your
19 motion.
20 The copies were given to the City Clerk
21 along with the original ones, but in the ones that I
22 have given you, anything starting with a "TT" is my
23 additional comment. The whole thing should be
24 addressed in the view of recirculating the EIR. And
25 Mr. Steve Power said that he was going to do that.

27

1 I would like to comment on Item No. 2. I'm
2 going to swiftly go through each of the items that I'm
3 especially concerned about.
4 In Item No. 2, the request was that the City
5 itself, in its municipal projects and activities, use
6 the green technology. And they have done this, to a
7 certain extent, with major projects as far as solar
8 energy, and relook at some of the chemicals that are
9 used. We would like that to be a policy. And that
10 they would be a model for the industry as well as
11 residents that are building on different projects. So
12 that's what's addressed in Item No. 2.
13 In Item No. 3...I live in southwest Chula
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14 Vista, and there is a great need for -- in addition to
15 the transit stations that are projected to be there,
16 shuttle service during the weekends and other places.
17 But also as addressed in Item No. 4, sidewalks,
18 gutters, and amenities that are not being taken care of
19 now in the General Plan.

20 I understand that many of those are specific
21 plan items, but that has been used as an excuse for the
22 last ten years that I'm aware of. And a major
23 thoroughfare like Palomar Street near Fifth Avenue, you
24 need to have sidewalks, especially with the General
25 Plan Update, amenity to have more mobility.

28

1 And the items referring to the health and
2 welfare as well as the socioeconomic impacts also need
3 to be addressed. And I have addressed them in items
4 within this document.

AB-14 5 However, we have not addressed the Saltworks
6 in Item No. 5.

7 The Saltworks area, as a technology, is also
8 an historical industry in Chula Vista. And at the same
9 time, that area could provide a great resource for
10 environmental education as well as a staging area for
11 the Otay Valley Regional Park. And I would like to see
12 that impact combined in such a way that all of those
13 things could happen without destroying the beautiful
14 habitat and resource of that saltworks area that is
15 currently being used as an industry. It could be
16 carried out, and I think that things such as

AB-14 See Response to Comment Z-6.

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17 environmental education from -- offer all levels of
18 education would be one solution.
19 Another one that has not been addressed is
20 the international flavor of southwest Chula Vista.
21 It's more than an international flavor. It's actually
22 our heritage. We have also a need to capture that in
23 the General Plan as a heritage and international
24 museum, and also in the architectural design through
25 that whole area as one of the major gateways to and

29

1 from Mexico.

2 So I would like to, in Item No. 6(c) utilize
3 that as a showcase for other diverse and beautiful
4 ethnic diversity and individual Chula Vista industrial
5 diversity of agriculture, mining, and paleontology from
6 the ancient creatures that have lived here that are
7 unveiling all the time, as well as we have the Otay
8 Church is located in that area. There are possible
9 locations for this international house.

10 Another thing, that the environmental
11 justice has been addressed very nicely by our
12 Environmental Health Coalition. So I would like to
13 reiterate my concerns about the health impacts. And I
14 could tell you, as a microbiologist and as a person
15 who's an avid reader, up to date on that, we need to
16 have, in addition to so-called "risk assessments" for
17 the toxic emitters, we need to have a public park,
18 private and municipal partnerships with the schools and
19 with the work force industries to make a survey
20 throughout the City of Chula Vista as to where the

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21 locus of asthma, allergies, cancers and other
22 catastrophic illnesses are located. And with that kind
23 of information, you will definitely see a strong
24 relationship between the particulate matter, toxic waste
25 and hazardous materials that are being emitted by

30

AB-15

1 certain industries.
2 For that reason, in the Draft EIR, in our
3 new areas, we need to make sure that specific
4 industries such as the old-fashioned way of dry
5 cleaning that use Percolate is not -- there are new
6 ways of doing it. Green technologies that are not
7 harmful, that doesn't use pesticides. Organics. And
8 also heavy metals for the fish that are in the Otay
9 River as well as the ponds are also acidic.
10 we have a very beautiful report on the water
11 in the south as well as the regular coliforms and
12 minerals. It's one of the purest rivers, and that's
13 wonderful. But I think we need to have further
14 assessments for the fish themselves, because I think
15 that we all want to go fishing there and enjoy them.
16 Then, finally, I believe that the other
17 items that the final -- it would be, since we are part
18 of the Pacific flyway, we definitely, if there are
19 high-rises in specific locations, the type of
20 guidelines for the windowing reflection and the roofing
21 should follow the Audubon Society guidelines that
22 people like Jim Pew and others have been espousing. We
23 need to have that as part of the Impact document.

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AB-15 This comment reflects the desire for the City to promote green technologies. The proposed General Plan Policy EE 7.6 demonstrates the City's commitment to promoting green technologies. Policy EE 7.6 states "Encourage the construction and operation of "green buildings," considering such programs as the Leadership in Energy and Environmental Design (LEED) Green Building Rating System."

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24 Those kind of guidelines for the reflection, et cetera.
25 And also feral cats, the feral cats would,

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1 and have been, and rodents have been shown to have a
2 great impact on the animals that are within the
3 Community Development and in the EIR range.
4 Thank you.
5 CHAIR MADRID: Thank you.
6 MS. THOMAS: May I have an information. Do
7 I need to resubmit this after you've made a vote, or
8 Staff is going to respond to it without me resubmitting
9 it?
10 MR. POWER: Is that the same letter you
11 already submitted?
12 MS. THOMAS: I sent it by e-mail this
13 afternoon, and I will sign the document that I will
14 give to --
15 MR. POWER: We will be signing that.
16 MR. MULLEN: After the close of the Public
17 Hearing tonight, the Public comment on the EIR is
18 concluded. So if anything's received after that, the
19 City may not respond to those comments.
20 If they're comments, you should make sure
21 they're received prior to close of the Public Hearing.
22 MS. THOMAS: So this document I gave to the
23 City Clerk as well as the same document I sent to each
24 of you --
25 MR. POWER: If we have it, it will be

1 responded to.
2 A VOICE: I misunderstood what you said to.
3 I thought what you were saying -- somebody was
4 describing the fact that the presentation that we make
5 before the Planning Commission votes could be
6 considered by the Planning Commission as part of their
7 motion. And then if anybody has an individual item,
8 they need to do it after. No? Then I did
9 misunderstand that.
10 MS. PONSEGGI: If you have a written comment
11 you can submit that. Your oral comments will also go
12 in as part of the final EIR comments.
13 MS. THOMAS: Thank you.
14 MS. PONSEGGI: So the oral comments you just
15 made plus whatever written documentation you just
16 submitted.
17 MS. THOMAS: Thank you very much.
18 (Hands document to Secretary Vargas.)
19 CHAIR MADRID: Thank you.
20 Is there anybody else wishing to address the
21 Planning Commission? Please fill out a form.
22 I think there's some blank forms out in the
23 lobby. Okay.
24 Please state your name and address for the
25 record.

33

1 MS. CAZARIS: Thank you.
2 Let me see if you can understand me with

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3 this cold that I have.
4 Anyway, I just want to take the opportunity
5 to reiterate some statements that were made here.
6 My name is Norma Cazaris, President of South
7 Bay Forum.
8 A few of the speakers addressed the issue
9 regarding displacement of residents, existing
10 residents. I believe it's within that Promenade area.
11 I believe that's what it's called.
12 South Bay Forum, early on when the original
13 Draft EIR came out, did notice that was not part of the
14 report and inquired as to why that was not. And we
15 were informed that it was not considered to be
16 appropriate for that. But anyway, I'm hoping that this
17 body takes the opportunity to make a strong statement
18 about that.
AB-16 19 We're concerned about gentrification issues
20 as well. We've seen what happened in areas like Barrio
21 Logan in San Diego with the Petco Park Development and
22 that, basically, resulting in potential displacement of
23 many long-time residents. We'd hate to see that
24 happen.
25 I understand there's approximately

AB-16 See Response to Comment M-5.

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AB-17 1 2300-units that are affected. And we certainly want to
2 make sure that the needs of those individuals are being
3 taken care of so that we maintain the residents that we
4 have here, long-time, loyal residence residents of
5 Chula Vista. And hoping that there are plans to have
6 some kind of affordable housing provisions made for
Page 30

AB-17 See Response to Comment M-5.

7 existing residents.
8 Thank you. And I'll fill this in and turn
9 it in.
10 CHAIR MADRID: Thank you.
11 Is there anybody else wishing to address the
12 Planning Commission? I'm going to --
13 MS. PLEMAN: I have one. Any my name is Cil
14 Pleman. C-i-l, P-l-e-m-a-n.
15 Hi. I may be addressing the wrong body. I
16 just got wind of the fact that there are going to be
17 409 units of senior housing in East Lake area, East
18 Lake/Vistas area. And there was some notice that was
19 sent out to some of us in the neighborhood.
20 And I think communication fell through
21 because now I'm not sure if I'm addressing the right
22 board. But when a few of us were talking about that,
23 we were really concerned about the traffic and other
24 issues associated with that kind of dense housing.
25 So am I addressing the correct board?

35

1 CHAIR MADRID: Are you discussing the 400
2 units --
3 MS. PONSEGGI: Madam Chair, I might be able
4 to provide some clarification.
5 I believe there's a community meeting on
6 that this evening. Unfortunately, I don't know the
7 location. I believe it's in the East Lake area.
8 There's an EIR being prepared for that project, and I
9 will give you my card. If you want to call me tomorrow

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10 morning, I can get you in touch with the Environmental
11 Project Manager and the Planner on that. But there's a
12 community meeting going on this evening, and likely
13 that's what you have the notice for.

14 MS. PLEMAN: Is that what would happen first
15 before it would come to this body? would the community
16 meeting happen first?

17 MS. PONSEGGI: The community meeting is an
18 informational meeting. And then an EIR is being
19 prepared right now which will go out for public review.
20 It will come to this body for close of public review
21 just like this EIR's coming in.

22 MS. PLEMAN: Okay, okay.

23 MS. PONSEGGI: It's got a few steps to go.

24 MS. PLEMAN: Well, very good. I'm glad I'm
25 not at the back end of the process.

36

1 Thank you very much for your time.

2 CHAIR MADRID: Thank you.

3 COMMISSIONER FELBER: Excuse me. Do you
4 know when the notice was? That date, possibly? It's
5 possible they may have, and I know there's none of them
6 out here out front, but if you go by the office on E
7 Street, maybe you can pick one up real quick and maybe
8 even still be able to catch it tonight. Just a
9 suggestion.

10 MS. PLEMAN: Okay, fine.

11 CHAIR MADRID: I'm going to open the Public
12 Hearing up to questions and comments from the
13 Commissioners. And I'll go ahead and start with
Page 32

14 Commissioner Bensoussan.

15 Did you want to --

16 COMMISSIONER BENSOUSSAN: I have a lot of
17 them. And if somebody has fewer, if they want to go
18 first, go right ahead.

19 COMMISSIONER TRIPP: I'll defer to her or
20 Mr. Felber.

21 CHAIR MADRID: Commissioner Felber?

22 COMMISSIONER FELBER: Okay. I probably
23 don't have as many. I've got a few.

24 I spoke to Alex Alaga a couple of days ago
25 about the transit.

37

1 One of the things I'm concerned about is
2 that, you know, kind of the Field of Dreams thing. If
3 you build it, in this case maybe they won't come if you
4 put transit in. So I want wanted to make sure we also
5 took into account in the EIR what the impacts will be
6 if people don't use transit as much as they'd like or
7 we'd like, or hope that they would.

8 He assured me in their projections they're
9 using a worst-case transit usage projection so that we
10 don't have this -- shorting ourselves there. So this
11 was good.

12 The other thing I wanted to -- and this was
13 about the clarifying question I asked earlier. I
14 wanted to make sure that as we look at different things
15 we'll have the ability as different projects come up to
16 be able to reevaluate the specific impacts in those

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17 cases. So this was great too.

AB-18 18 One of my concerns all along with the
19 redevelopment of the western part of Chula Vista,
20 because there is so little available land, has been the
21 issue of schools. So I appreciate that Mr. Aguilar
22 brought that up. And if there was an inconsistency
23 there, I definitely would second his request, that we
24 get that straightened out. Because the table
25 definitely makes it look clear that schools will be

AB-18 See Responses to Comment Letter N.

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1 required. I can't imagine that they wouldn't be,
2 especially if we had density. So I would concur with
3 that.

AB-19 4 The idea of the residential displacement
5 that was brought up more than once tonight, again, I
6 don't know either, whether or not that's a requirement
7 in the EIR. But whether it is or isn't, it sounds like
8 it might not be a bad idea.

AB-19 See Response to Comment M-12.

9 With this GPU, I know there's a lot of fear
10 along a lot of people, within the western parts of
11 Chula Vista in particular, about what's going to happen
12 to me if this Plan gets implemented. So I think it
13 would be -- I'd like to encourage that we do verify
14 whether or not that can or shouldn't be a part of the
15 EIR or not. And if it's not required or doesn't belong
16 there, I do think it probably would not be a bad idea
17 for the City to consider putting something together so
18 that people have an idea of what the options might be
19 and so on.

20 And there are a lot of other good things
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21 brought up tonight to look into and investigate. One
22 of the things, I'm all for the use and proliferation
23 and encouragement of anything we can do, as
24 environmentally friendly as we can, such as the use of
25 green technologies and whatnot.

39

1 I guess I would caveat that by saying that
2 we also need to make sure that it's justifiable
3 economically and in every other way. So I kind of am
4 reluctant to use language that says "mandate," but
5 strongly encourage use whenever possible, that kind of
6 thing.

7 Certainly there are some emergent green
8 technologies that might be very expensive now, but
9 might be less expensive in the future and much more
10 well-developed. So it might in some cases not be a
11 good thing to mandate it at this time in certain
12 situations.

13 So I'm reluctant to use the word "mandate,"
14 but definitely encourage.

15 Those would be my comments for the moment.

16 Thank you.

17 CHAIR MADRID: Thank you.

18 would you like to take over, Commissioner
19 Tripp?

20 COMMISSIONER TRIPP: Sure. Thank you.

AB-20 21 Together with Commissioner Felber, I had
22 some concerns with how the environmental mitigation
23 actually gets implemented. And I understand that will

Page 35

AB-20 Mitigation Measures listed in the General Plan Update EIR will be implemented on as projects come through the City. Comment noted.

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24 be on a project-by-project basis. And that this is
25 kind of the broad sweep of the brush and the dream, if

40

1 you will, as to how our communities may further develop
2 and accept some of the density that we'll end up
3 getting. I'll be looking forward, as these plans
4 develop, to looking at the impacts that individual
5 projects may have. And I understand that they'll be
6 mitigated as they're implemented.

7 I'm just interested in seeing that they're
8 done with a comprehensive approach so that impacts such
9 as traffic will be addressed, impacts as to the
10 necessity of affordable housing in the community.

11 So that's one of my concerns. And I share
12 it with you, Mr. Felber.

13 At the Growth Management Oversight
14 Commission Meeting the other night, the new
15 representative, I believe from the Environmental Health
16 Coalition, she brought up air quality and how it's
17 important in our communities. And with regard to
18 sensitive receptors, she mentioned that if the number
19 of measuring stations -- I think there's one measuring
20 station in the area of the school district
21 headquarters, along Fifth Avenue. I may have the
22 location incorrect. But my point is, if we're
23 concerned about these sensitive receptors and their
24 proximity to freeways or generators of pollutants, that
25 before we look at mandating measures to address them,

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1 that we can adequately measure them.
2 So if the number of measuring stations in
3 our community is controlled by APCD and if we're going
4 to sufficiently address these sensitive receptor
5 issues, we need to be able to measure it.

AB-21

6 So maybe we need to be talking with APCD or
7 locating more measuring stations. I don't know how
8 that's done. But I'm curious, with regard to air
9 quality, that if we're going to go there, that we have
10 the facts to support where we end up going.

11 Anyway, that's the end of my comments.

12 Thanks.

13 CHAIR MADRID: Thank you, Commissioner

14 Tripp.

15 I'm going to go ahead and go next and waive
16 Commissioner Bensoussan last. If that's okay with you?

17 COMMISSIONER BENSOUSSAN: Okay.

AB-22

18 CHAIR MADRID: I'd like to echo the same
19 comments about possibly a relocation ordinance or
20 something that helps address the relocation of
21 residents on the west side.

22 Also, maybe we could look at some sort of a
23 formula that will replace as we build new units -- we
24 do have the Inclusionary Housing Ordinance which
25 requires 10 percent of everything that goes in new be

AB-21 See response to Comment M-12.

AB-22 See Response to Comment M-5.

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1 affordable. So I'm not sure if the numbers work out.
2 But maybe we could get them to work out to the level

3 SS1102F.txt
3 that it would, in fact, offset the loss of these units.
4 But I think that's something that we need to look into.
5 Going on to another subject, and this may be
6 a bit of a question to Staff. One of the items that I
7 see in the report is on -- I guess this is in the very
8 beginning. It's, like, the very second page of the
9 draft. LUT 2.6 discusses conducting a special study to
10 examine the potential of the high land use intensity
11 along taller buildings along the H Street Corridor.
12 I guess what my question is, it goes on to
13 say that all of the -- all of the conditions in this
14 General Plan would apply until -- and be modified after
15 the study's done. That concerns me a little bit.
16 I was wondering if what that study is saying
17 is that no matter what the Commission decides, that
18 study may then turn around and change those
19 recommendations.
20 Is that in fact true?
21 MR. MULLEN: Maybe I could clarify that.
22 To the extent there's a future study, the
23 scope of the study would need to be determined, and the
24 study would need to be completed. And then its
25 conclusions would be brought to you to make any

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1 appropriate recommendations to the City Council.
2 There would have to -- what that -- what the
3 LUT 2.6 is saying is that the updated General Plan, if
4 it's adopted, would apply until it's amended in the
5 future. And this amendment process would be subject to
6 CEQA, so there would have to be environmental reviews
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7 associated with any amendments. And the final product
8 of any amendment, if there were any, would be brought
9 to you and the City Council.

10 so hopefully that clarifies it.

11 CHAIR MADRID: It does. Thank you.

12 I see you standing at the podium.

13 MR. AGUILAR: I apologize for the intrusion,
14 but I wanted to clarify the comments by Commissioner
15 Felber.

AB-23

16 with respect to the inadequacy of the number
17 of schools accounted for on the west side, my comment
18 was actually intended to include both school districts,
19 although I pointed to the contradiction in the Plan
20 itself of having Chula Vista Elementary School
21 District specifically cited.

22 Unfortunately, there is no similar table for
23 the high schools that I was able to locate. But I
24 know, of my personal knowledge, that there is -- and if
25 you look at student-generation numbers, you will see

AB-23 See Responses to Comment Letter N.

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1 that there's sufficient need for at least one
2 additional high school on the west side and maybe one
3 or two middle schools on the west side generated from
4 the additional students from the increased density plan
5 for the west side of Chula Vista.

6 So I just wanted to make sure that in review
7 of the assessment and response, the points that I was
8 trying to make apply to both districts, and not just
9 the elementary school district.

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COMMISSIONER FELBER: My comments were
intended to reflect both as well. I know, for example,
Chula Vista High School is overcrowded as well.
So I agree, both districts need to be looked
at.
MR. AGUILAR: Thank you.
CHAIR MADRID: Commissioner Bensoussan?
COMMISSIONER BENSOUSSAN: I have a number of
small things and then big things.
Should I give you the small things first?
Okay. Well, I'll just go from the beginning
of the book that way.
On this same page that Vicki was talking
about, LUT 2.6, below that, there's an objective. It
talks about "Objective LUT 3," that was it. And it
kind of talks around the "Harmonizing Change," but it

AB-24

AB-24 The term Harmonizing Change is referred to in the General Plan Update. Comment noted.

45

doesn't use the words "Harmonizing Change."
MS. PONSEGGI: Can you clarify if you're
looking at the General Plan or you're looking at the
EIR?
COMMISSIONER BENSOUSSAN: I'm looking at the
EIR on page XI, Summary of Revisions.
A question: This page was prepared after
the September 18 meeting when the Mayor's amendment was
adopted.
MR. POWER: That's correct.
COMMISSIONER BENSOUSSAN: That's correct?
My assumption is that this paragraph is
intended to address the amendments concerned with

Page 40

14 "Harmonizing Change" which was part of that amendment,
15 incorporated "Harmonizing Change."

16 MR. POWER: What it does is it summarizes
17 changes that are made within the document itself. So
18 if you go to the actual Land Use portion of the EIR,
19 there might be more clarification for you. This is
20 basically to tell you what changes were made and where
21 they are, basically.

22 COMMISSIONER BENSOUSSAN: If you look at
23 this paragraph, a new Objective was added, which is
24 "Direct the urban design and form of new development
25 and redevelopment in a manner that blends with and

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1 enhances Chula Vista's character and qualities, both physical and
2 social." That's the sentence
3 I'm referring to. And I looked elsewhere and I didn't
4 see it.

5 My point is I didn't really find the word
6 "Harmonizing Change" in this document. And I was
7 wondering why, since that was part of the amendment,
8 the actual words "Harmonizing Change."

9 MR. BATCHELDER: Madam Chair, I can respond
10 to this.

11 As Steve indicated, this was taken from the
12 context of the topic "Harmonizing Change." So that
13 term is not in here. That term does appear in the
14 General Plan document in the context of the
15 introduction of the theme, which was added in the
16 Vision and Themes chapter. And again, when it's

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17 discussed in the Land Use chapter.
18 So simply, you're not seeing all of the
19 material written in under the notion of "Harmonizing
20 Change." You're just seeing an excerpt of relevant
21 policies as it respects community --
22 COMMISSIONER BENSOUSSAN: So you're saying
23 the term will be in the Plan, but it's not in the EIR?
24 MR. BATCHELDER: It's used in the Plan.
25 It's used sparingly. Because that's a term coined, if you recall,

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1 and we added it to the visions and themes shaping the future
2 through the present and past," which, essentially, contains the
3 essence of "Harmonizing Change."
4 COMMISSIONER BENSOUSSAN: I would have
5 thought that the "Harmonizing Change" would, in effect,
6 sort of mitigate impacts to community
7 character. So that's why I'm surprised it wasn't in
8 here.
9 Anyway, that's my comment relevant to this.
10 There's a list of historic properties in
11 here. Let's see. It's on page -- well, it's not a
12 numbered page. Table 5.4-1, under the Cultural
13 Resources section of the EIR. And I'm just wondering
14 why it's outdated. It only shows 62 designated
15 structures up through November of '02, and I know there
16 have been some in '03, '04, and '05. I was just
17 wondering why that table is outdated. I'd just like to
18 make that point for when it comes back in the final
19 form, that that could be updated.
20 Okay. I keep coming back to -- on page 251
Page 42

AB-25

AB-25 Table 5.4-1 of the DEIR has been revised to reflect this change.

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21 of the Cultural Resources. This is a comment I've made
22 before and I keep coming back to it:
23 "LUT 12.8 as practicable, the City will
24 support and encourage the rehabilitation of sound,
25 historic buildings."

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1 In my ever so humble opinion, I think that
2 word "sound" should not be in there because it all
3 lumps unsound buildings, like the Aurora Manor House,
4 for example, into a category of, "Let's not restore
5 them." So I've brought this up before. I just wanted
6 to mention it again. And this may be a typo on page
7 248, may not. It talks about the northwest planning
8 area. It encompasses the downtown area of Chula Vista
9 which contains eight designated historic sites and
10 other potential properties. And are you saying that
11 there's only one historic site downtown? And if not,
12 that should be corrected.

AB-26

13 Going to a little bit more of a substantive
14 issue. I've noticed in the EIR that there doesn't
15 appear to be any analyzing of the negative impacts to
16 the contextual aspects of historic sites in the
17 Preferred Plan.

18 For example, the Preferred Plan calls for
19 the Transit Focus Area at Third and H to include
20 high-rise. And while there are some good mitigations
21 for impacts that would physically alter or demolish
22 historic sites, there's no mitigation or discussion of
23 impacts to the context of historic sites which is

AB-26 While impacts to historic resources in accordance with Threshold 1 in the dEIR are reduced by the policies associated with Objectives EE 9 and LUT 12, impacts to historic resources would be significant without the Mitigation Measure 5.4-1. Compliance with this mitigation measure would reduce the impact to cultural resources resulting from the adoption of the General Plan Update to below a level of significance.

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24 addressed in CEQA, the setting and context.
25 So high-rise buildings next to historic

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1 neighborhoods would create an adverse impact. And that
2 hasn't been acknowledged or looked at in here. So I
3 would recommend as a solution to that that we look at
4 doing away with the Transit Focus Area or recommending
5 that the Transit Focus Area at Third and H only go to
6 mid-rise, and not high-rise. Then we wouldn't have
7 those negative impacts associated with high-rise next
8 to historic neighborhoods.

9 Since I'm out on this topic, I think it
10 would be important for Staff to maybe clarify what
11 happened last night in that it appears that it will be
12 yet another alternative analyzed or reported on that
13 would address not having that Transit Focus Area at
14 Third and H. And as a matter of fact, I wasn't at the
15 Council meeting last night, but I would like to explain
16 it for the benefit of the other Commissioners and the
17 Public.

18 MR. BATCHELDER: Madam Chair, at last
19 evening's Council meeting, Council directed and
20 requested that Staff bring back an option, a policy
21 option, with the Plan in December that would provide
22 for mid-rise height limits of the TFA at Third and H
23 Street, along with some other provisions with
24 qualifying intents with TFAs in general.

25 So essentially, I think what Commissioner

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1 Bensoussan is asking for there, that will be an option
2 when the Commissioner sees the project in December.

3 COMMISSIONER BENSOUSSAN: So this Planning
4 Commission could make that recommendation as part of
5 our motion tonight?

6 MR. BATCHELDER: That option will be before
7 you as well.

8 COMMISSIONER BENSOUSSAN: Okay. Going on to
9 some of these other issues.

10 In terms of mandating green technologies
11 policies, I might offer up the idea of incentivizing
12 green technologies' policies. And I didn't scrutinize
13 that part of the EIR as well as the other parts so I
14 don't know if this instant language is in there, but I
15 think it would be a very good thing if it was in there.

16 And regarding the thousand feet from the
17 power plant, that's in here somewhere, I recall the
18 Steering Committee for the General Plan Update
19 recommended that it be fifteen hundred feet for

AB-27 20 residences within power plants. So I don't know if
21 this Commission wants to make a recommendation. I
22 certainly would make one, to make that fifteen hundred
23 feet instead of a thousand feet. And likewise, there
24 was a map that indicated there was five hundred feet
25 from the freeways indicated on the map.

AB-27 See Response to Comment K-2.

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1 MS. LAURA HUNTER: I passed it on.

2 COMMISSIONER BENSOUSSAN: I didn't get one.

RESPONSE

3 Did they stay there? SS1102F.txt

4 MS. HUNTER: There's a map, a copy of our
5 letter, and one of the studies. Summary of the studies
6 are attached to the letter, also.

7 COMMISSIONER BENSOUSSAN: So in the 500-foot
8 buffer of I-5, are there already residences in that
9 500-foot buffer?

10 MS. HUNTER: Yes, there are. And there is
11 also a school.

12 One thing I didn't mention earlier, and I'm
13 sorry I didn't, is that the ARB, the Air Resource Board,
14 at the state level has issued this year a
15 recommendation saying don't put any residences or
16 school -- or sensitive receptors within this 500-foot
17 buffer. So they've recognized it, and they've given
18 that as a statewide guidance.

19 So unfortunately, there's not a lot that we
20 can do. We're going to have to figure out what to do
21 with Wheeler School. And there are plenty of
22 residences. But certainly do no more additional damage
23 by putting anybody else there.

24 So, yes, there are current residences there.

25 COMMISSIONER BENSOUSSAN: I agree very

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1 strongly that should be addressed in the EIR.

2 Also, I was wondering...Mr. Bull could

3 answer this...the Saltworks area, is that part of
4 General Plan Update, or is that actually San Diego
5 where the land where the Saltworks is? Is that Bay
6 front? Is there a reason why that wasn't addressed?

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AB-28

AB-28 Comment noted. The Saltworks area is not a part of the General Plan Update.

RESPONSE

SS1102F.txt

7 MR. BULL: I believe the Saltworks, it's
8 south of the Bayfront Planning Area. And I believe part of it
9 is in the City of San Diego and part of it is in the
10 west Fairfield District. we didn't address any single
11 resource specifically in this, but rather tried to
12 outline a series of steps that would take in future
13 projects, as they're coming along, to evaluate the
14 effects at that time.

15 COMMISSIONER BENSOUSSAN: One of the things
16 I've known is, consistently throughout the Cultural
17 Resources area is there's a lot of verbiage where the
18 language kind of just says -- just talks about
19 buildings, historic buildings. And the words "historic
20 sites" or "cultural resource" or "cultural landscapes"
21 isn't incorporated into this section very well. The
22 Saltworks, there was a very comprehensive study done on
23 the Saltworks, and it was found to be to the tune of,
24 like, 250 ways significant as a cultural landscape.
25 so I think that that section could be

AB-29 Comment noted.

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1 improved by, whenever someone's talking about
2 preservation of historic buildings, to maybe look at
3 the language as saying "historic resources." That
4 would include cultural landscapes.

5 And last, but not least, I agree with my
6 fellow Commissioners, and I really would like to make
7 it in a motion and a recommendation, along with the
8 issue with the Transit Focus Area I brought up on Third
9 and H. I think this Planning Commission should send a

10 strong recommendation that if we're in agreement, there
11 should be a socioeconomic study done on affordable
12 housing and displacement of affordable housing.

13 I know that at one of the recent meetings at
14 our workshops it was brought up, I think maybe Steve
15 Power talked about there was housing -- there was a
16 loss and there was gain of housing. And there was net
17 gain, not net loss. And my analogy to that is that was
18 kind of apples and oranges that we're comparing because
19 we're losing apples and we're gaining oranges. So
20 it's not -- we're really not looking at the net loss of
21 affordable housing. We're just looking at the net gain
22 of housing.

23 So I would like to see this Commission
24 recommend that a study be done on impacts of the
25 displacement of the residents that occupy the

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1 affordable housing and what options could be available
2 to them. I think that a number of us have that same
3 reaction.

4 So I guess that's my comments. And I'd like
5 to maybe make a recommendation, or a motion for
6 recommendation.

7 CHAIR MADRID: I'll second that motion.

8 COMMISSIONER TRIPP: I'll need to clarify
9 what motion --

10 COMMISSIONER BENSOUSSAN: Yeah, I really
11 hadn't given the motion quite yet.

12 CHAIR MADRID: You didn't?

13 COMMISSIONER TRIPP: You seconded something.
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14 CHAIR MADRID: I thought the motion was a
15 motion being made to do a study on the relocation?
16 COMMISSIONER BENSOUSSAN: Yeah, I would like
17 to make two recommendations.
18 One regarding the study, the Socioeconomic
19 Impact Report that would address the displacement of
20 residents in the affordable housing category and
21 analyze that and offer options for the displaced
22 people. Options recommendations, alternatives, that
23 sort of thing. That's one -- first half of my motion.
24 And the second half of my motion would be to
25 recommend that -- it would be for this Commission to

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1 recommend -- to limit the Transit Focus Area at Third
2 and H to mid-rise, as it seems that that would go a
3 long way in mitigating the impact of contexts in the
4 historic core.
5 I'm not so sure I'm very articulate in this
6 but...
7 MR. BATCHELDER: Madam Chair, just
8 clarification from Staff.
9 COMMISSIONER BENSOUSSAN: Okay.
10 MR. BATCHELDER: With respect to this study
11 you mentioned, about displacements, you may be aware,
12 we're going to be coming forward in the very near
13 future with updating the City's housing element. And
14 that may be a more appropriate time that you will be
15 able to include this type of a study with that
16 particular effort.

SS1102F.txt
17 So I don't know if you're wanting this in
18 terms of timing. I'd suggest to you that the
19 appropriate context would be more information in an
20 appropriate discussion forum to be able to bring that
21 forward with the housing element.
22 CHAIR MADRID: I don't think --
23 COMMISSIONER BENSOUSSAN: I'm sorry.
24 CHAIR MADRID: I don't think that the
25 housing element is going to address the kind of detail

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1 that Commissioner Bensoussan is wanting to correlate
2 directly to this General Plan. They will look in
3 general at affordable housing and the City. But I know
4 that the Staff over there doesn't have the time to pour
5 over this and connect it to the housing element.
6 I'm concerned that it will be too general
7 and not be specific, and not be specific to the actual
8 displacement that could be happening directed to this
9 document.
10 MR. MULLEN: Maybe I could make one
11 clarification, just to assist you.
12 why you're here tonight is to make comments
13 and review the Draft Environmental Impact Report. So
14 one of the things that guides you so is CEQA. We've
15 heard different things about what CEQA requires in
16 terms of economic and social impacts. So I just want
17 to make clear that you understand what the actual legal
18 requirement is.
19 The CEQA guideline that's relevant here is
20 CEQA Guideline 15131. What it says in relevant part,
Page 50

21 subdivision (a):
22 "Economic or social effects of a project
23 shall not be treated as significant effects on the
24 environment."
25 It goes on to indicate that an environmental

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1 impact report could basically trace the chain of cause
2 and effect. In other words, you could have an analysis
3 of the impacts related to a project, look at the social
4 and economic impacts, and see what physical impacts are
5 caused on the environment. But typically, you wouldn't
6 have an environmental impact, but look solely in the
7 abstract. You'd have to tie it down to the connections
8 to the physical impacts that are being generated by the
9 project. And there may or may not be any abstract
10 physical impacts that are caused by economic and social
11 impacts. But typically, and CEQA's very clear, you
12 wouldn't look directly at whether economic or social
13 impact is in itself a significant impact on the
14 environment.

15 In this section that I quoted, 15131,
16 concludes by saying:

17 "The focus on the analysis shall be on the
18 physical changes to the environment."

19 I'm not sure if that helps you at all.

20 COMMISSIONER BENSOUSSAN: Could I respond to
21 that?

22 I, for one, can see some physical impacts.
23 For example, where are these people going to go? We

24 SS1102F.txt
24 could be creating a culture of homeless people that
25 would have a physical impact to the downtown urban core

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1 by people actually living on the street, creating trash
2 problems and sanitary problems. I mean, that's a
3 physical result of creating a culture of homelessness
4 by not providing adequate housing.

5 But anyway, regardless of all that, I think
6 it's been brought up over and over and over, there have
7 been many workshops and occasions where Staff has done
8 a good job of trying to explain it in terms of CEQA and
9 in terms of the EIR. And we've heard many times that
10 the housing element is coming. It's coming and it's
11 coming. And we're all waiting for the housing element
12 to come. I just think it would send a very good
13 message if we recognize that this is an issue. And it
14 has some connections with the EIR. Maybe not as strong
15 as we'd like them to be, but I think whether or not we
16 have it, we recommend that it be addressed in the final
17 EIR.

AB-30

18 That's not really my motion. My motion is,
19 it doesn't have to go along with the final EIR. It's
20 just we make a recommendation that a study be done,
21 just like the H Street Corridor recommendation that was
22 made for that study.

23 So that's really, basically, what my motion
24 is on that.

25 MS. AGUILAR: Madam Chair, may I offer a

AB-30 See Response to Comment M-2.

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1 point of clarification?

2 CHAIR MADRID: Yes.

3 MS. AGUILAR: Thank you.

4 Regarding what Mr. Batchelder said about
5 housing environmental impact, which will not be
6 prepared by his department, rather it will be prepared
7 by Community Development, I met with Amanda Mills who
8 is the director of Housing, and we discussed this very
9 issue.

10 And she said that the environmental impact
11 report on the housing element will not address this
12 issue of displacement. And I assume it's for the same
13 reason that Mr. Mullen stated, that it's not considered
14 an environmental impact report under CEQA.

15 So I'm not arguing that it should be
16 included in the EIR. I don't know if it should or
17 shouldn't. I'm just arguing that it should be done
18 morally. It's an issue that should be considered and
19 should be brought to the attention of the City Council,
20 whether it's done inside or outside of the
21 Environmental Impact Report. And I would just urge you
22 to urge Staff to do it in or outside of the
23 Environmental Impact Report, but it will not be done as
24 part of the housing element EIR.

25 MS. PONSEGGI: Chair, perhaps I could

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1 clarify.

2 The environmental document for the housing

3 element will be prepared by the Environmental section
4 of the Planning Division. That environmental document
5 will cover whatever's in the housing element. So to
6 say what is going to be in or out of that document at
7 this point is premature because the element hasn't been
8 prepared yet.

9 I understand what statements the Housing
10 Manager may have made, but to my knowledge, at this
11 point, it's my section that's going to be responsible
12 for determining the appropriate that environmental document.

13 CHAIR MADRID: Okay. At this point -- these
14 comments are going to be on the record, so we could
15 conceivably say that point for your initial comment for
16 the relocation study is a comment on the record. And
17 if you'd like to amend your motion, you can go forward
18 with making the motion for the height element.

19 COMMISSIONER BENSOUSSAN: I would like to
20 make -- as opposed to an individual comment, I would
21 like it to be a Commission recommendation for the study
22 for the displaced housing.

23 CHAIR MADRID: What I was suggesting is
24 that, from what I'm gathering from what Staff is saying
25 and legal counsel, this isn't the appropriate time or

1 the vehicle to do this.

2 Is that correct?

3 MR. MULLEN: I'm not sure I meant to say
4 that.

5 All I'm suggesting is that under CEQA the
6 EIR would typically not analyze purely social and
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7 economic effects. So if this was the comment that was
8 made, that we should do a housing study within the EIR,
9 I'm not sure that that actually would be accomplished
10 in the EIR.

11 You could certainly make a recommendation
12 that some type of study along the lines that you've
13 described be done, just as there would be an H Street
14 Corridor study within six months after the General
15 Plan's adopted. So if that's sort of the intent of
16 your motion, that's appropriate.

17 However, what was noticed for tonight was
18 just in the Draft Environmental Impact Report. So I
19 would caution you to taking action that's not directly
20 related to the EIR which was noticed.

21 I mean, the General Plan Update is certainly
22 going to be coming back to you in a matter of weeks.
23 So maybe that's the appropriate time to make that
24 motion.

25 COMMISSIONER BENSOUSSAN: Okay. So I defer

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1 to you.

2 COMMISSIONER TRIPP: Perhaps some discussion
3 is in order.

4 COMMISSIONER BENSOUSSAN: Yeah.

5 MS. STILLMAN: May I make a comment, Madam
6 Chair? It's relevant to this discussion.

7 CHAIR MADRID: Could you state your name and
8 address.

9 MS. STILLMAN: My name is Georgie Stillman.

RESPONSE

SS1102F.txt
10 580 Twin Oaks Avenue.
11 These people that are being displaced, the
12 word "affordable housing" is incorrect. They actually
13 live in substandard, low-income housing, and they will
14 be on the streets. They already are on the streets. I
15 saw a homeless woman by a furniture store just north of
16 the new retail condo apartment development, and I
17 stopped and talked to her. And her house was really
18 just a backyard shack. And I took her to Social
19 Services on Third down there.

AB-31

20 If you look at all the poor, homeless
21 people, any of who have walked the bridge route to
22 Tijuana on foot back and forth, all the homeless
23 people, those people have an enormous environmental
24 impact on a community. We have a large population of
25 subterranean very, very poor people, displaced people,

AB-31 See Response to Comment M-5.

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1 and ethnically mixed. Some of them come up from TJ.
2 But when they are ill and urinating and on the street,
3 they are a real environmental impact.

4 I'm on the RCC. I voted no on the EIR, the
5 one person, because this issue should be addressed. It
6 is an environmental impact.

7 Thank you very much.

8 CHAIR MADRID: Thank you.

9 Your motion still stands?

10 COMMISSIONER BENSOUSSAN: I don't know if
11 it's legal or not. If it's legal, yes. If not --

12 MR. MULLEN: What was noticed for tonight
13 was the comments on the Draft EIR. You could certainly
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14 make this as a comment on the Draft EIR and Staff will
15 respond to it. But what I'm suggesting is I don't
16 think you would -- there wouldn't be a study back in
17 front of you when the General Plan comes back in early
18 december along the lines of what you're talking about.

19 So in order to actually make that a motion
20 to the Planning Commission, I would recommend that if
21 you're going to entertain that motion, do it when the
22 General Plan's in front of you.

23 COMMISSIONER BENSOUSSAN: Okay. Then I'll
24 save that motion for this occasion, and hope we have a
25 quorum and I can make that motion then. And I'll just

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1 restrict my motion to the Transit Focus Area mid-rise
2 issue.

3 CHAIR MADRID: I'll second that issue.

4 Is there any discussion on that?

5 COMMISSIONER FELBER: Yes. Clarification.

6 When you talk about the Transit Focus Area,
7 are you just talking about H Street or E Street or
8 Palomar Transit Focus Areas?

9 COMMISSIONER BENSOUSSAN: I'm talking about
10 the area on Third and H indicated in the document as
11 Transit Focus Area allowing high-rise

12

13

14 So the one Transit Focus Area that allowed
15 high-rise in the urban core that I felt would cause a
16 negative impact contextually to the historic

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17 neighborhoods was the Third and H one.
18 So I would like to make a recommendation
19 limiting that, as the Council did last night, making
20 their recommendation doing a study on another
21 alternative on that.
22 I would like to make a recommendation that
23 we limit that -- we recommend limiting it to mid-rise,
24 Third and H, that area.
25 COMMISSIONER TRIPP: I'll just let you know

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1 where I'm standing on height in those areas.
2 I have spoken with -- I see Mr. Jentz is
3 here. I've spoken with Mr. Moot. They're friends of
4 mine.
5 We have no project before us. And I am
6 familiar with doing CEQA documents. I am familiar with
7 findings. And absent having an individual project that
8 is analyzed, impacts of which are analyzed under CEQA,
9 either mitigated or appropriately dealt with in the
10 Environmental Draft Report, I think we should leave the
11 door open on the height issue in this area.
12 And I'm not able to support the motion.
13 CHAIR MADRID: Any more discussion on that?
14 COMMISSIONER BENSOUSSAN: No. I maintain
15 that --
16 CHAIR MADRID: Commissioner Felber, you have
17 any comments?
18 COMMISSIONER FELBER: No, no.
19 CHAIR MADRID: With that motion and a
20 second, I'll go ahead and call a vote on that.

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21 (Voting takes place.)
22 CHAIR MADRID: Motion carries.
23 COMMISSIONER TRIPP: Does that carry
24 without --
25 MR. MULLEN: A motion to carry requires four

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1 votes. Majority --
2 CHAIR MADRID: Okay, it isn't the majority
3 of the quorum that exists?
4 MR. MULLEN: No, it is the majority of the
5 Planning Commission. Requires four votes.
6 CHAIR MADRID: Okay, motion doesn't carry.
7 COMMISSIONER TRIPP: Do we want to give that
8 another shot or --
9 COMMISSIONER BENSOUSSAN: Yes. Can I remake
10 the motion?
11 COMMISSIONER TRIPP: Sure.
12 COMMISSIONER BENSOUSSAN: Because let me tie
13 it into CEQA.
14 My motion has to do with the fact that it
15 would be a mitigating factor for the community
16 character impacts to limit it to mid-rise. So it is in
17 the context of the EIR that I made this motion.
18 COMMISSIONER TRIPP: Ms. Pongeggi, as our
19 Environmental Coordinator for Chula Vista, as the Lead
20 Agency I will look to you to comment on this.
21 what does CEQA say about this?
22 MS. PONGEGGI: Well, the fact is that the
23 EIR in its current form does analyze the Preferred

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24 Alternative, which includes the fact that there are
25 significant impacts. It includes the high-rise, the

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1 TFA at Third and H.
2 There are significant impacts. Whether or
3 not that one issue would mitigate the impact I am not
4 prepared to say at this point.
5 COMMISSIONER TRIPP: And when a specific
6 project is proposed, you would give that project its
7 due environmental review under CEQA?
8 MS. PONSEGGI: Yes.
9 COMMISSIONER TRIPP: And make a
10 determination whether any impacts as identified are
11 mitigable or not mitigable?
12 MS. PONSEGGI: Yes.
13 COMMISSIONER TRIPP: And whether or not an
14 environmental impact report is warranted?
15 MS. PONSEGGI: Yes.
16 COMMISSIONER TRIPP: And if it is adjacent
17 to a redevelopment area where policy makers may desire
18 added density or reduced density, it would analyze the
19 impacts of density or height, or whatever the project
20 was proposing.
21 MS. PONSEGGI: It would analyze all those
22 areas of CEQA, including aesthetics, height, bulk,
23 community character. We would look at all of those
24 things.
25 COMMISSIONER TRIPP: Thank you.

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1 MS. TERRY THOMAS: Madam Chair, may I
2 comment?

3 CHAIR MADRID: Yes.

4 MS. TERRY THOMAS: I just wanted to remind
5 you that General Plan Update's Steering Committee had
6 also had a vote on this particular location, and I
7 think it was one abstention which was unanimously voted
8 not to have the high-rise at the H Street-Third Avenue
9 at one of our recent meetings.

10 In addition to that, the General Plan
11 Update -- the Espanada Draft EIR that was brought
12 forth and then taken became temporarily -- the
13 impacts -- this refers to a high-rise on H Street and
14 that area. The impacts on the traffic were E and F,
15 unmitigated.

16 So there was a tremendous impact on the
17 environment for a high-rise of that type -- I won't go
18 into it, but I used more Post-its on that EIR, and we
19 never did go forward. But the point is that the
20 General Plan Update itself is speaking in general about
21 the design of our City for the next 20 years, and that
22 particular -- that the Transit Focus Area will not be
23 impaired by not limiting the growth, but rather enhance
24 the way cars could access a development that's lowered
25 number of unit -- lowered number of floors could be

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1 more mitigating. So I would like to point that out.

2 I just want -- I really -- I need to comment

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3 a piece of information that would be helpful. My
4 colleague Bill had mentioned about a slightly different
5 matter, but it's the only thing I really want to
6 comment, about monitoring air pollution.

7 There are currently two stations for
8 monitoring air pollution. One of them is the J Street
9 station near the school, on J Street, the Hilltop area.
10 And the other one is East Lake. And I forget -- I
11 apologize, but I forgot to mention, because this is the
12 one thing I had been pushing for a number of years,
13 there was a huge need to have at least a third or a
14 fourth monitoring station. And the third one that I
15 was recommending, and I would appreciate it if you
16 would make that as a part of a recommendation, the
17 third one that I was recommending would be the Main
18 Street area, in the area that's around Hilltop and
19 Main Street. Some place in that area, or near the Main
20 Street-Fourth Avenue area.

21 The least -- that is a minimum, for a third
22 monitoring station. But I really do support
23 Mr. Tripp's idea of having more monitoring stations.
24 And you will find that the impacts, especially in
25 certain locations will give good data.

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1 So, sorry. Thank you.

2 CHAIR MADRID: Thank you.

3 So Commissioner Tripp, did I understand you
4 to want to revote that last motion?

5 COMMISSIONER TRIPP: would you like to
6 withdraw that?

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7 COMMISSIONER BENSOUSSAN: Actually, I think
8 that -- I don't quite agree with the concept that it
9 would be mitigated on an individual project level
10 because, like Ms. Thomas points out, the General Plan
11 Update, it's a broad document that gives direction and
12 community character. We're not talking about impacts
13 to individual historic sites in terms of their
14 alteration or potential demolition. We're talking
15 about a broad impact to a broad topic, which is
16 community character.

17 And the high-rise...and I'm not talking
18 density because you can have mid-rise density which is
19 the same as high-rise density, so I'm not talking
20 density. I'm talking only high-rise. That the impact
21 to the community character is so severe with the
22 high-rise at Third and H that I think we should
23 recommend limiting it to mid-rise.

24 And I would love to take another vote, if
25 I'm able to change your mind by restating it.

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1 COMMISSIONER TRIPP: You could change my
2 mind by withdrawing it.

3 I just don't believe that it allows an
4 Applicant a fair shake from Government if we predispose
5 in a certain area a height limitation. And that is a
6 core belief of mine.

7 You propose a project, you analyze its
8 environmental impact. Either you mitigate them or
9 don't. If we have a statement of overriding

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10 consideration creating social or economic impacts, that
11 goes to the policy maker for deliberation. And I think
12 if they're going to go there, if this is an option that
13 says when we are adjacent to a redevelopment area that
14 has the potential that we all hope it does, I do not
15 think it's appropriate to foreclose high-rise or
16 mid-rise or low-rise at a certain location.
17 COMMISSIONER BENSOUSSAN: Well, this
18 document does that all throughout the document. All
19 throughout the document it does that. So what you're
20 saying is applicable to the whole document. We could
21 just have one free-for-all and no zoning. That's your
22 logic throughout the document.
23 There's all these little colors, dark,
24 brown, red, all those variations of colors that address
25 heights. So according to your philosophy, we'd have

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1 none of that, and it would be all dark red or dark
2 brown or whatever color it is for high-rise.
3 COMMISSIONER TRIPP: If you note in the
4 General Plan Update, the Implementation section, it
5 discusses the individual specific plans and how they
6 would be reviewed in conformance under CEQA, or the
7 impacts would be reviewed under those specific plans.
8 Fortunately, or unfortunately, we have that
9 document preceding those plans, and we'll be seeing
10 those plans as they're developed.
11 CHAIR MADRID: I have a comment and I have a
12 response for that, for what it's worth.
13 We spent one evening in here probably a
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14 couple of hours, and then I watched the City Council
15 spend a couple of hours, at least, in a meeting trying
16 to discuss how the word "occasional" affected an entire
17 project. And we had an audience out here. It was just
18 incredible to me the amount of time and effort and
19 energy.

20 COMMISSIONER TRIPP: That was the Christian
21 school?

22 CHAIR MADRID: Yes.

23 COMMISSIONER TRIPP: I know.

24 CHAIR MADRID: So when you have those things
25 in place that you're suggesting for each project to be

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1 reviewed, if you look at what the verbiage is in here,
2 it is more general than that particular situation. And
3 I think we'll continue to see the community in an
4 uproar unless we address it in an overall general way,
5 or that will continue to go on forever project.

6 And I think at some point, we'd have to
7 recognize what the community is saying, what the
8 community is screaming, is my comment.

9 COMMISSIONER TRIPP: I understand your
10 perspective. Thank you.

11 COMMISSIONER BENSOUSSAN: I think that's why
12 the Council addressed it last night.

13 CHAIR MADRID: well, the item on the agenda
14 is close of the Public Comment. And seeing no more
15 comments, and I think we've pretty much talked this to
16 death, I'm going to go ahead and close the Public

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17 Comment period.

18 Next item on the agenda is Director's

19 Report.

20 (Remainder of proceedings off the record.)

21 (Proceedings concluded at 8:01 p.m.)

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN DIEGO) ss

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4 I, KERSTEN SONG, a Certified Shorthand Reporter of
5 the State of California, do hereby certify:

6 That the foregoing proceedings were taken before
7 me at the time and place herein set forth; that a verbatim
8 record of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my direction;

10 Further, that the foregoing is an accurate
11 transcription thereof.

12 I further certify that I am neither financially
13 interested in the action nor a relative or employee of any of
14 the parties.

15 IN WITNESS WHEREOF, I have this date subscribed my
16 name.

17

18 Dated: _____

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KERSTEN SONG
CSR NO. 12796

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November 2, 2005

Mr. Steve Powers
Environmental Projects Manager
City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

RE: comments on the DEIR for the Chula Vista General Plan Update

Dear Mr. Powers:

Some of the changes to the EIR do more honestly evaluate the effects of the GPU. More significant and unmitigatable impacts are now acknowledged. This makes a stronger case for not accepting the GPU in its current form.

- AC-1** 1. The EIR needs to do a more thorough analysis of the effects of displacement upon the people living on Zenith and south of Main Street if the preferred plan or any of its scenarios were to be adopted. Widening the industrial lots along northern Main Street to southern Zenith would displace many long-term residents. The housing to be built in other areas would not necessarily meet the needs of these residents nor would it necessarily be available when they needed it.
- AC-2** 2. Table 3-2 reflects population densities that seem very low when so many residences now have multiple families living in them. The norms have changed, but these estimates are based upon the once traditional family situation. These under estimates cause similar underestimates of the cumulative impacts of the preferred plan on traffic, schools, energy, and all other areas evaluated in the EIR.
- AC-3** 3. The draft DEIR says the percentage of people living in poverty in Chula Vista is below the state and regional average. This is only true of eastern Chula Vista. 2000 Census data shows the percentage of the population below the federal poverty level for the 25 census tracts in Chula Vista west of the 805 is 15,712 out of 107,695 people, or 15%. The numbers for eastern Chula Vista are 3,169/72,841 or 4.3%. The percentage for the entire county is 338,399 out of 2,722,408, or 12%. This is a huge difference between the east and the west. The GPU and the DEIR do not adequately address these differences. A citywide average must not be used because it minimizes the cumulative impacts of these changes upon western Chula Vista.
- AC-4** 4. Figure 5.1-5 shows a section for change near Broderick Acres, South of Main Street, on both sides of the Otay River. This would have serve negative impacts upon the OVRP. The text indicates that this multifamily residential is meant to be a buffer between residential and existing industrial. This cannot be right. There must be an appropriate buffer between industrial and any kind of residential to avoid negative health, noise and other impacts to the young, old and those with existing health problems.

AC-1 The Preferred Plan or any of the Scenarios do not affect the size of lots in the city of Chula Vista. The Preferred Plan does designate a wider area along Main Street for industrial uses. The issue of displacement requiring development elsewhere is discussed in Chapter 5.17 of the EIR. As stated in Response M-5, the dEIR recognizes that people will be displaced as individual projects are developed in the Northwest and the Southwest planning areas. The increase in the numbers of units within these planning areas; however, will be able to accommodate those displaced because the Preferred Plan projects an increase of 3,913 residential units in the Southwest Planning Area. The extent to which these projects would require construction of housing elsewhere, and, thereby, have a significant housing and population impact as it relates to Thresholds 2 and 3 in the dEIR, will depend upon the nature of each individual project and will require review when details of those projects are known.

AC-2 Table 3-2 of the EIR presents the Proposed General Plan Land Use Categories. The comment may refer to Table 2-1 that provides the number of dwelling units and the projected population for the Preferred Plan and each of the Scenarios. The population estimates assumed a per unit occupancy of 3.25 people per unit for single family homes and 2.52 people per unit for multi family homes. These population estimates were based on the Census and California Department of Finance (DOF) population coefficients. The average per unit rates were applied city-wide. Individual residences may vary from these rates.

AC-3 See Response to Comment X-1 of the Sierra Club letter dated November 2, 2005.

The EIR used the current population and the total number of housing units within each of the planning areas for the baseline comparisons. The EIR does not address socioeconomic effects of the project. Section 15131 (b) of the CEQA Guidelines limits the discussion of environmental impacts to physical changes in the environment. While the CEQA guidelines indicate that socioeconomic effects can be used to determine the significance of an impact, they are not to be considered as an environmental effect. Since the relative poverty levels of Chula Vista communities are socioeconomic issues independent of physical changes, they were not addressed in the EIR.

AC-4 Figure 5.1-5 of the EIR does not show an area of change near Broderick Acres, South of Main Street on both sides of the Otay River. The only areas shown south of Otay River, in whole or in part, are east of Interstate 805. The areas of change south of Main Street west of Interstate 805 are all north of the Otay River. While the comment does not indicate the specific location in the EIR of where "... multifamily residential is meant to be a buffer. . .", there is a discussion of the need to buffer residential uses from industrial uses in this area on page 139 of the final EIR. That discussion indicates that industrial use is incompatible with existing residential uses and that suitable buffers or design guidelines are needed to avoid this effect. The EIR concludes that land use impacts are significant and not mitigable until design standards and zoning specifications are established.

AC-5	5. On page 136 where the auto uses are relocated mitigation in the form of adequate buffering of existing residential must be added.	AC-5	The discussion on Page 136 of the EIR addresses the implementation of Policies LUT 42.14 through 42.16 and Policies LUT 11.1 through 11.5. As such, it indicates that guidelines and standards need to be prepared to establish buffering and siting criteria for “. . . industrial uses and automobile shops in areas adjacent to surrounding residential neighborhoods. . .” and that they “. . . can not be developed with available information.” Until future plans and specifications are implemented impacts will remain significant.
AC-6	6. p.48 shows a community park between Beyer Way and Broadway. This community definitely needs and deserves a community park, but the land indicated appears to be the Strawberry field that the community has asked to be preserved. A better option would be a part of the current batching plant when it moves elsewhere.	AC-6	This comment does not apply to the EIR. The comment will be forwarded to the appropriate City Decision making body.
AC-7	7. The Palomar focus area residential between Industrial and the freeway is within the 500 foot buffer area needed near a major road. The research is very clear that lung damage, asthma and numerous other ill effects are directly related to living next to a freeway. These sever negative impacts need to be specifically pointed out in the EIR as reasons for not adopting these uses in this place. The trolley station area is far enough from the freeway to have multifamily residential without the severe noise and health impacts.	AC-7	See Response X-6. The recirculated dEIR concluded that the potential for development under the Preferred Plan or any of the Scenarios to expose sensitive receptors to substantial pollutant concentrations was self-mitigated and not significant. Policy EE 6.10 requires analysis of health risk resulting from new development or redevelopment projects within 500 feet of highway (Page 406 of the dEIR).
AC-8	8. It states on p.105 that the Otay Mesa-Nestor Plan portion of West Fairfield is designated open space. If it is annexed to Chula Vista it should stay open space in order to fully protect the Wildlife Refuge. The designation of the West Fairfield area as commercial/business office with some educational is a good job oriented usage and could help rectify the overall imbalance in the plan between quality jobs and residential growth. For 8 years the city has been generating way more homes than jobs. It is time that the city stopped being a bedroom community to the county. The EIR needs to analyze fully the negative impacts of being a bedroom community upon all areas of the plan. For the last 4 years the city has produced 15% more homes, but only 5% more jobs. The EIR needs to analyze how this imbalance might be rectified. It is barely mentioned in passing now. Staff should be directed to come up with another preferred alternative that helps make up the deficit of jobs and downplays residential development until this deficit is greatly reduced.	AC-8	This is not a comment on the adequacy of the EIR. See Response X-24 for a discussion of the West Fairfield area and the requirements for adjacency issues relative to the wildlife refuge. Any development adjacent to the San Diego Wildlife Refuge will be required to adhere to the land use adjacency guidelines defined in the Chula Vista Subarea Plan, Section 7.5.2. These include, but are not limited to: sufficient buffers and design features, barriers (rocks/boulders, signage, and appropriate vegetation) where necessary, lighting directed away from the refuge, and berms or walls adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization. The comment will be forwarded to the appropriate City Decision making body. Response X-15 addresses the jobs/housing balance issue. The analysis conducted in the dEIR was completed for the land use designations in the Preferred Plan and three Scenarios and compared the effect of those scenarios to the adopter General Plan and the existing conditions. To the extent that the proposed plan represents a given jobs housing balance, the analysis evaluated the effect of that jobs housing balance on the issues of transportation, community character, population and housing, and air quality.
AC-9	9. The idea of having the Oxford area of Third as a community center with higher density needs to be better analyzed. Oxford Street is already quite narrow. The number of apartment buildings lining the street makes it difficult now to drive down the street from two directions at once, because the street is always lined with cars.	AC-9	This comment requests that the EIR analyze the affects of higher density on Oxford Street at Third. The Oxford area is now referred to as the “Town Focus Area” in the South Third Avenue District. Consideration of specific development in this area at this time would be speculative, therefore, any proposed development within the South Third Avenue District would be subject to CEQA and further environmental review.
AC-10	10. The parking situation in the southwest is already a great problem, because the city has waived minimal parking requirements when it has allowed the building of multifamily residences where single- family residences once were. This plan will make the situation MUCH worse unless very clear amounts of off-street parking are required by the plan. I did not see this issue mentioned anywhere when mitigation and ordinances was discussed. At every community meeting I attended this was a number one complaint in the Southwest. Every residence must be considered to have two cars and need a visitor's parking space, because this is the reality of life in California today. The people with fewer cars are out numbered by the people with more cars.	AC-10	See Response X-13. Objectives LUT 30, 31 and 32 of the General Plan Update address parking in detail. All projects will have to confirm to the City of Chula Vista parking standards in effect at the time of approval. The General Plan Update will not result in land uses being inconsistent with the City's parking requirements.

AC-11

11. The community Character Alternative is still not fully analyzed. It should be analyzed with the addition of a reduction of density citywide.

Theresa Acerro
3730 Festival Court
Chula Vista, Ca 91911

AC-11 Section 15126.6 of the State CEQA Guidelines requires the discussion of “a range of reasonable alternatives to the projects, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” and the evaluation of the comparative merits of the alternatives. The extent to which an alternative needs to be analyzed is specified in Section 15126.6 (d) of the State Guidelines, which states that the EIR provide sufficient information to allow meaningful evaluation, analysis and comparison of the alternative with the proposed project. The GPU EIR provided sufficient information to allow for a meaningful evaluation, analysis and comparison of the alternative with the Preferred Project and each of the Scenarios. While discussed in less detail than the Preferred Plan and each of the Scenarios, the significant effects of the Community Character Alternative were evaluated. The Community Character Alternative was evaluated to determine the effects of reducing the overall scale of development with the objective of reducing impacts on neighboring uses. The Reduced Project Alternative and the No Project Alternative, represent alternatives that would have a reduced density.